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Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH and RENNY FANGSRUD VON
ESCH,

Plaintiffs,

vs.

LEGACY SALMON CREEK HOSPITAL, et
al.,

Defendants.

Case No.: 3:16-CV-05842-BHS

ASSET SYSTEMS, INC.'S SUPPLEMENTAL
REPLY IN SUPPORT OF ASSET'S MOTION
FOR ATTORNEY FEES AND COSTS

NOTE ON THE MOTION CALENDAR:
January 20, 2021

Defendant Asset Systems, Inc. ("Asset") files this supplemental reply to advise the Court that Plaintiffs have not filed a supplement to their opposition to Asset's Motion for Attorney Fees and Costs [Dkt. # 135] ("Asset's Motion") by January 13, 2021 as required by the Court's Order. Dkt. # 161. Thus, Asset's Motion, which was re-noted by the Court to January 20, 2021, is fully briefed and at issue, and shows why sanctions are appropriate. However, Plaintiffs; attorneys recent conduct further supports the need for sanctions against Plaintiffs' attorneys.

Notably, Plaintiffs did not supplement their response to add what they called the facts and realities brought to light during the appeal—the reason that this Court allowed Plaintiffs to file a

ASSET SYSTEMS, INC.'S SUPPLEMENTAL REPLY IN
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1 supplement to their opposition to Asset's Motion for Attorney Fees and Costs. See Dkt. # 161.
2 By failing to file a supplement to their response, Plaintiffs' attorneys must acknowledge that
3 there were no facts or realities that arose during the appeal that will influence this Court's
4 opinion of Asset's Motion as represented to this Court by Plaintiffs' attorneys. See Dkt. # 159,
5 p. 1 and p. 2.

6 Plaintiffs' attorneys conduct in asking for the opportunity to file a supplemental response
7 after having already responded with a 12 page response (the page limit allowed for a response by
8 LCR 7(e)), and then not filing the supplemental response needlessly increased the cost of
9 litigation to Asset, and needlessly wasted this Court's time.

10 Further, this is the second time since Judge Settle was assigned this case that Plaintiffs'
11 attorneys have failed to comply with a Court deadline. Plaintiffs failed to file their response to
12 Defendant's Motion to Remove Stay [Dkt. # 159] by the deadline of November 9, 2020. Instead,
13 that document was filed on November 10, 2020 after Asset notified the Court that Plaintiffs had
14 not filed opposition to Asset's Motion to Lift Stay. See Dkt. # 158.

15 Plaintiffs' attorneys continued failure to adhere to Court and rule deadlines, and failure to
16 file with the Court evidence of allegations that Plaintiffs' attorney represent are true further
17 supports the need for this Court to impose sanctions on Plaintiffs' attorneys.

18 Asset would speculate that Plaintiffs' attorneys will try to file a supplemental response
19 after receiving this reply. Plaintiffs' attorneys filed a late response without a motion to extend
20 the time with regard to Asset's Motion to Lift Stay. See Dkt. # 159. Asset would request that
21 the Court summarily deny such a request by Plaintiffs' attorneys to prevent or strike the filing.
22 Plaintiffs' attorneys could have requested an extension before the deadline expired if an
23 extension were necessary. No extension was requested prior to the expiration of the deadline.
24 Asset should not be required to incur additional attorney fees when Plaintiffs' attorneys fail to
25 follow the Court's order. Asset reserves the right to supplement this reply if Plaintiffs file an
26 untimely response.

1 Asset requests the Court allow Asset's Motion.

2 Dated: January 14, 2021.

3 s/ Jeffrey I. Hasson
4 Jeffrey I. Hasson, WSBA#23741
5 Hasson Law, LLC
6 Attorney for Asset
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Certificate of Service

I hereby certify that on January 14, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Robert Mitchell, SaraEllen Hutchison and I hereby certify on that I mailed by United States Postal Service the document to the following:

s/ Jeffrey I. Hasson
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